

MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

Plaintiffs' Executive Committee for Personal Injury and Death Claims	Plaintiffs' Executive Committee for Commercial Claims
Ronald L. Motley (1944-2013) Jodi Westbrook Flowers / Donald A. Migliori, <i>Co-Chairs</i> MOTLEY RICE LLC James P. Kreindler, <i>Co-Chair</i> KREINDLER & KREINDLER LLP	Stephen A. Cozen, <i>Co-Chair</i> Sean Carter, <i>Co-Chair</i> COZEN O'CONNOR
Andrew J. Maloney III, <i>Co-Liaison Counsel</i> KREINDLER & KREINDLER LLP Robert T. Haeefe, <i>Co-Liaison Counsel</i> MOTLEY RICE LLC	J. Scott Tarbutton, <i>Liaison Counsel</i> COZEN O'CONNOR

VIA ECF

March 14, 2022

The Honorable George B. Daniels
United States District Court
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street, Room 1310
New York, NY 10007

The Honorable Valerie E. Caproni
United States District Court
Southern District of New York
Thurgood Marshall U.S. Courthouse, Room 443
40 Foley Square
New York, NY 10007

The Honorable Sarah Netburn, U.S. Magistrate Judge
United States District Court
Southern District of New York
Thurgood Marshall U.S. Courthouse, Room 430
40 Foley Square
New York, NY 10007

Re: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN); *Owens, et al. v. Taliban*, 22-cv-1949 (S.D.N.Y.) – Request for MDL Consolidation

Dear Judge Daniels, Judge Caproni, and Judge Netburn:

The Plaintiffs' Executive Committees ("PECs") write to notify the MDL Court of a recently commenced case, *Owens, et al. v. Taliban*, 22-cv-1949 (S.D.N.Y.). The PECs request that the case be transferred into this MDL and that the Court stay the *Owens* Plaintiffs' emergency motion for an order of attachment pending further court guidance. Copies of the relevant filings in *Owens* are attached.

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The *Owens* Plaintiffs filed their Complaint on March 9, 2022 and have sought an emergency hearing for an order of attachment before the presiding judge, the Honorable Valerie Caproni. These filings did not inform Judge Caproni of this MDL and the related Taliban judgment enforcement proceedings currently pending in the MDL. *See* S.D.N.Y. Local Rule 1.6; *see also* Rules for the Division of Business Among District Judges, Southern District of New York, Rule 13(a)(1)(A). Judge Caproni scheduled the hearing on the emergency motion for today, March 14, 2022, at 2:30 p.m. Given that the MDL Court has already extended the MDL order to apply to Taliban judgment enforcement proceedings (ECF No. 7672) and set a briefing schedule in the proceedings (ECF No. 7750), the PECs believe that transferring the *Owens* case into the MDL for consolidated judgment enforcement proceedings against the Taliban will allow those proceedings to continue in a coordinated fashion.¹ The PECs also request a corresponding stay of the *Owens* Plaintiffs' emergency motion for an order of attachment for the same reasons.

Respectfully submitted,

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¹ By March 21, 2022, the *Havlish* and *Doe* Plaintiffs shall file their motions for turnover as well as any motions addressing service issues (e.g., a motion for service by publication) related to the DAB Funds. By April 20, 2022, the PECs may file a single brief of no more than 20 pages addressing any issues that they believe are relevant to the Court's consideration of the *Havlish* and *Doe* Plaintiffs' turnover motions. By April 27, 2022, the *Havlish* and *Doe* Plaintiffs may file briefs of up to 10 pages each replying to the issues identified by the PECs. ECF No. 7750.

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Enclosures

cc: All Counsel of Record via ECF